

*California School Boards Association*

July 8, 2005

Paula Higashi, Executive Director  
Commission of State Mandates  
980 9<sup>th</sup> Street, Suite 300  
Sacramento, CA 95814



Re: School Accountability Report Cards I  
Case No.: CSM-97-TC-21

Dear Ms. Higashi:

The Commission on State Mandates (Commission) has been directed by 2004 legislation (AB 2855 (Laird)) to reconsider its prior final decision (April 23, 1998) with respect to School Accountability Report Cards (SARCs) in light of federal statutes enacted and state court decisions rendered since certain statutes were enacted. Those statutes were found by the commission have added additional requirements to the SARCs to be issued by each school in school districts throughout the State of California. That prior final decision resulted in the Commission on March 25, 1999, adopting a proposed statewide cost estimate of \$5,713,000 for four fiscal years (1996-97 through 1999-2000 inclusive).

The reconsideration process has moved to consideration of the Final Commission Staff Analysis which is now scheduled for rehearing on July 28, 2005. The California School Boards Association's Education Legal Alliance (CSBA/ELA) now submits the following comments on that Staff Analysis. Before doing so I extend my appreciation for your having extended the comment period to this date pursuant to my request.

The California School Boards Association (CSBA) is a California non-profit corporation. CSBA is a member-driven association composed of nearly 1,000 K-12 school district governing boards and county boards of education throughout California. CSBA supports local school board governance and advocates on behalf of school districts and county offices of education. As part of CSBA, the Education Legal Alliance (ELA) helps to ensure that local school boards retain the authority to fully exercise the responsibilities vested in them by law to make appropriate policy and fiscal decisions for their local educational agencies. The ELA represents its members, over 800 of the state's 1,000 school districts and county offices of education, by addressing legal issues of statewide concern to school districts. The ELA's activities include joining in litigation/administrative matters where the interests of public

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education are at stake. Clearly that is the case here with Commission staff proposing to eliminate these components of the SARCs as state mandated requirements subject to subvention.

Characterizing the statutes under reconsideration as requiring “the addition of a few lines to the existing School Accountability Report Card” or similar language (SA 16, 20 and 21), without analyzing the costs of developing the information required for those “few lines,” the Commission’s Final Staff Analysis concludes there is either no state mandate or no reimbursable mandate. A variety of reasons are relied upon mostly based on staff interpretations of recent court decisions. One of those reasons is that the mandate can be complied with “by a minimal reallocation of resources.” It is hard to believe and accept such a simplistic analysis when consideration is given to the overall costs of the SARC mandate.

CSBA/ELA has reviewed the comments dated July 8, 2005, as filed by Abe Hajela, Chief Counsel, School Innovations & Advocacy, and hereby joins in those comments as if their own.

It is respectfully submitted that the Commission reaffirms its prior ruling on the SARC I test claim.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard L. Hamilton", written in a cursive style.

Richard L. Hamilton, Associate General Counsel  
Director, Education Legal Alliance

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